

BURKINA FASO

Burkina Faso is a parliamentary republic with a population of 14.25 million. In 2005 President Blaise Compaore was reelected to a third term with 80 percent of the vote. Observers considered the election to have been generally free, despite minor irregularities, but not entirely fair due to the ruling party's control of official resources. The president, assisted by members of his party, the Congress for Democracy and Progress (CDP), continued to dominate the government. The CDP won a majority in the May 6 legislative elections, which election observers declared to be free and orderly except in four cities where irregularities and fraud involving voters' identification cards were noted. While civilian authorities generally maintained effective control of the security forces, there were instances in which elements of the security forces acted independently.

The government's human rights record remained mixed. The following human rights problems were reported: security force use of excessive force against civilians, criminal suspects, and detainees, resulting in injuries; arbitrary arrest and detention; abuse of prisoners and harsh prison conditions; official impunity; occasional restrictions on freedom of the press and freedom of assembly; corruption; violence and discrimination against women and children, including female genital mutilation (FGM); trafficking in persons, including children; discrimination against persons with disabilities; and child labor.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life

There were no reports that the government or its agents committed arbitrary or unlawful killings during the year.

There were no new developments in 2007 in the following 2006 cases: soldier Fousseni Traore's February killing of his girlfriend Alima Sakande in Tampouy, Ouagadougou City; the death from suspected torture of Salam Sawadogo in Meguet police station in Ganzourgou; the May gendarme killing of Michel Bakouan in Didyr, Sanguie; the October summary police executions

of Djolgou Yarga, Dayamba Hamsoaguini, and Bandambe Lankouande from Piela, Gnagna Province; and the December killings of four soldiers, two police officers, and an unknown number of civilians as a result of fighting between the military and police.

Vigilante killings occurred during the year. For example, on June 12, residents of Raftamane village in Oudalan Province shot and killed three unidentified armed highwaymen in a gun battle. The three men reportedly had raided the village and killed a resident. No investigation had been conducted by year's end.

b. Disappearance

There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

Although the constitution and law prohibit such practices, members of the security forces continued to abuse persons with impunity, and suspects were frequently subjected to beatings, threats, and occasionally torture, to extract confessions.

On June 25, a group of approximately 15 servicemen in Dedougou, Mouhoun Province, raided the city to avenge one of their colleagues, whom local youths had beaten following a fight over a girl. The servicemen, who were armed with military belts, beat town residents and injured an estimated 10 persons. The population retaliated by looting two houses that belonged to soldiers. Local military authorities gave instructions to treat the injured in the city's garrison. Following an apology by the military, senior military officers of the city and Dedougou residents held a meeting of reconciliation. No action was taken against the responsible military personnel.

On June 27, a group of soldiers armed with military belts raided the bar and dance club "L'Amitie" in Ouahigouya, Yatenga Province, and beat civilians who were dancing there; numerous injuries resulted. The soldiers accused one of the civilians of disrespecting a colleague by stepping on his foot while he was dancing. Military officers in Ouahigouya promised an investigation into the incident and possible sanctions against the responsible soldiers; however, no known action was taken against the perpetrators by year's end.

On December 8, security forces used tear gas, military belts, and batons to disperse a university student demonstration in Koudougou, Boulkiemde Province. Several students and one gendarme were wounded. Students were protesting the scheduling of an exam which they were not prepared to take.

In contrast with previous years, there were no reports that abuse by security forces resulted in deaths during the year.

Prison and Detention Center Conditions

Prison conditions were harsh and could be life threatening. Prisons were overcrowded, and medical care and sanitation were poor. Prison diet was inadequate, and inmates often relied on supplemental food from relatives. Pretrial detainees usually were held with convicted prisoners.

There were no confirmed reports of deaths from prison conditions or neglect during the year; however, human rights associations argued that such occurrences were not uncommon.

Prison authorities granted prison visits at their discretion. Permission generally was granted, and advance permission was not required. There were no reports during the year of prison visits by international organizations; however, during the year local nongovernmental organizations (NGOs) visited prisons.

d. Arbitrary Arrest or Detention

The constitution and law prohibit arbitrary arrest and detention; however, the government did not consistently observe these prohibitions.

Role of the Police and Security Apparatus

The national police, under the Ministry of Security, and the municipal police, under the Ministry of Territorial Administration, are responsible for public security. Gendarmes report to the Ministry of Defense and are responsible for some aspects of public security. Human rights associations believed that security forces were less effective in combating insecurity, continuing a negative trend noted the previous year.

Corruption was widespread, particularly among lower levels of the police and gendarmerie. The 2006 report by the NGO National Network to Fight Against Corruption (RENLAC) stated that the police and gendarmerie were among the most corrupt institutions

in the country. Corruption was also a major problem in the military. Impunity was a serious problem. The gendarmerie is responsible for investigating police and gendarme abuse; however, the government took no known disciplinary action against those responsible for abuses, and the climate of impunity created by the government's failure to do so remained the largest obstacle to reducing abuses.

Arrest and Detention

The law provides for the right to expeditious arraignment, bail, access to legal counsel after a detainee has been charged before a judge, and, if indigent, access to a lawyer provided by the state. Prison authorities granted prison visits at their discretion. Permission generally was granted, and advance permission was not required; however, there were reports that during the year visitors at times bribed prison guards to gain prompt access to their jailed kinsmen. By law, police have to possess a warrant to search or arrest, arrests must be made openly, and warrants must be based on sufficient evidence and signed by a duly authorized official. However, authorities did not always respect this process.

Unlike in the previous year, there were no reports that police arbitrarily arrested demonstrators or journalists.

The law limits detention without charge for investigative purposes to a maximum of 72 hours, renewable for a single 48-hour period, although police rarely observed these restrictions. Detainees were promptly informed of charges against them. The average time of detention without charge (preventive detention) was one week; however, the law permits judges to impose an unlimited number of six-month preventive detention periods, and defendants without access to legal counsel were often detained for weeks or months before appearing before a magistrate. An estimated 45 percent of detainees nationwide were in pretrial status. In some cases detainees were held without charge or trial for longer periods than the maximum sentence they would have received if convicted of the alleged offense. There was a pretrial release (release on bail) system; however, the extent of its use was unknown.

e. Denial of Fair Public Trial

The constitution and law provide for an independent judiciary; however, the judiciary was subject to executive influence and was corrupt and inefficient. The president has extensive

appointment and other judicial powers. Constitutionally, the head of state also serves as president of the Superior Council of the Magistrature, which nominates and removes senior magistrates and examines the performance of individual magistrates. Other systemic weaknesses in the justice system included the removability of judges, corruption of magistrates, outdated legal codes, an insufficient number of courts, a lack of financial and human resources, and excessive legal costs.

There are four operational higher courts: the Supreme Court of Appeal; the Council of State; the Audit Court and Office; and the Constitutional Council. Beneath these higher courts are two courts of appeal and 25 provincial courts. There is also a High Court of Justice with jurisdiction over the president and other senior government officials. In addition two tribunals, in Ouagadougou and Bobo-Dioulasso, try juveniles under 18. There is a military court that only tries military cases, and that provides rights equivalent to those in civil criminal courts.

Traditional courts in rural areas were abolished in 1984 and no longer have any legal standing. However, many traditional chiefs were still highly influential in rural areas and, de facto, can, for example, illegally keep women from exercising their rights.

Trial Procedures

Trials are public but do not use juries. Defendants are presumed innocent and have the right to consult with and be represented by an attorney. Defendants have the right to be present at their trials, to be informed promptly of charges against them, to provide their own evidence, and to access government-held evidence. Defendants can challenge and present witnesses and have the right of appeal. If indigent, they have the right to a lawyer provided by the state. While these rights were generally respected and extended to all, citizens' ignorance of the law and a continuing shortage of magistrates limited the right to a fair trial.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

The constitution and law provide for an independent judiciary; however, the judiciary was subject to executive influence. Citizens criticized the judiciary for being corrupt and

inefficient. At times individuals preferred to rely on the ombudsman to settle disputes with the government. The law provides for access to a court to bring lawsuits seeking damages for, or cessation of, a human rights violation. Both administrative and judicial remedies were available for alleged wrongs; however, there were problems enforcing court orders when they concerned sensitive cases.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The constitution and law prohibit such actions, and the government generally respected these prohibitions. In national security cases, the law permits surveillance, searches, and monitoring of telephones and private correspondence without a warrant. By law and under normal circumstances, homes may be searched only if the justice minister issues a warrant.

Unlike in the previous year, there were no reports that customs officers searched the private mail of author Vincent Ouattara, who had written a book that criticized President Compaore's regime.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The constitution and law provide for freedom of speech and of the press; however, the government at times restricted these rights and intimidated journalists into practicing self-censorship. The president and his government remained sensitive to criticism.

In general citizens and the press could criticize the government without reprisal. However, journalists were occasionally sued by the government or a progovernment political figure under a law that defines libel in excessively broad terms.

The constitution and law provide for freedom of assembly and speech; however, government agents sometimes infiltrated political meetings and rallies.

During the year singer and free speech activist Karim Sama, aka Sams'K le Jah, received death threats from unknown individuals. Sama asserted that he had received the threats because he criticized the Compaore government and called for justice in the 1998 killing of journalist Norbert Zongo. On September 28,

unidentified individuals burned Sama's car at radio station Ouaga FM while he was on the air. Local journalist and human rights associations and opposition parties denounced the threats against Sama and called on the government to investigate and prosecute the perpetrators; however, no action had been taken by year's end.

The official media, including the daily newspaper *Sidwaya* and the government-controlled radio and television stations, displayed a progovernment bias but allowed significant participation in their programming by those representing opposition views. There were numerous independent newspapers and radio and television stations, some of which were highly critical of the government. Foreign radio stations broadcast without government interference.

All media were under the administrative and technical supervision of the new Ministry of Culture, Tourism, Communications, and Spokesman of the Government. In June the Ministry of Information was combined with the Ministry of Culture, Art, and Tourism to form the new ministry. The Superior Council of Communication (SCC), which is under the Office of the President and has limited independence, also regulates the media. The two entities are complementary. The ministry is responsible for developing and implementing government policy and projects concerning information and communication. The SCC oversees the content of radio and television programs and of newspapers to ensure that it adheres to professional ethics and government policy governing information and communication. The SCC educates journalists and at times performs a disciplinary function. The SCC may summon a journalist to attend a hearing about his work, followed by a warning that a repeat of "noncompliant behavior" will not be tolerated. Hearings may concern alleged libel, disturbing the peace, or violations of state security.

Unlike in the previous year, there were no reports that police confiscated the cameras of journalists.

Journalists charged with libel may defend themselves in court by presenting evidence to support their allegations, but the burden of proof of innocence rests on the journalists. The definition of libel is excessively broad, and libel suits have been used by political and business figures to pressure journalists who produce unflattering press coverage of them or their organizations.

Internet Freedom

There were no government restrictions on access to the Internet or reports that the government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail. However, poverty and the high rate of illiteracy limited public access to the Internet.

Academic Freedom and Cultural Events

There were no government restrictions on academic freedom or cultural events.

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

Although the constitution and law provide for freedom of assembly, the government at times restricted this right.

Political parties and labor unions may hold meetings and rallies without government permission; however, advance notification is required for demonstrations that might threaten public peace. Penalties for violation of the advance notification requirement include two to five years' imprisonment. Denials or imposed modifications of a proposed march route or schedule may be appealed to the courts.

On May 23, the cabinet imposed sanctions on workers at the Ministry of Foreign Affairs for participating in an April 10 demonstration to demand higher pay and better living and working conditions and unbiased assignments. The cabinet reprimanded the participants but retained 35 demonstrators in their positions while reassigning 105 others to other government agencies.

No action was taken against security forces that forcibly dispersed demonstrations in 2006, causing numerous injuries.

Freedom of Association

The constitution and law provide for freedom of association, and the government generally respected this right. Political parties and labor unions could organize without government permission. No gatherings were preemptively banned by the government. On December 8, however, security forces used tear gas, military

belts, and batons to disperse a university student demonstration in Kooudougou, Boulkiemde Province.

c. Freedom of Religion

The constitution and law provide for freedom of religion, and the government generally respected this right in practice. Religious groups must register with the Ministry of Territorial Administration, and failure to register may result in a fine of \$95 to \$287 (50,000 to 150,000 CFA francs). The government routinely approved registration applications.

Societal Abuses and Discrimination

There were no reports of discrimination against members of religious groups or of anti-Semitic acts.

For a more detailed discussion, see the 2007 *International Religious Freedom Report*.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons

The constitution provides for freedom of movement within the country, foreign travel, emigration, and repatriation, and the government generally respected these rights. The government cooperated with the Office of the United Nations High Commissioner for Refugees and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.

The law prohibits forced exile, and there were no reports that the government used it during the year.

Protection of Refugees

The law provides for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the government has established a system for providing protection to refugees. In practice the government provided protection against refoulement, the return of persons to a country where there is reason to believe they feared persecution, and granted refugee or asylum status. The government also provided temporary protection to individuals who may not qualify as refugees under the 1951

convention and the 1967 protocol and during the year provided it to approximately 1,850 persons.

The government accepted refugees for resettlement from third countries and facilitated local integration, including access to naturalization. During the year the government also assisted the voluntary return of 52 Liberian refugees to their homes.

There were no official statistics on the number of stateless persons in the country; however, the National Commission for Refugees believed that a limited number of stateless persons were present.

Both *jus solis* and *jus sanguinis* are applicable; citizenship may be claimed when a person is born in the country or when at least one parent is a Burkinabe citizen.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The constitution provides citizens with the right to change their government peacefully through multiparty elections; however, in practice citizens were unable to exercise this right fully due to the continued dominance of the president and his ruling party.

Elections and Political Participation

In 2005 President Blaise Compaore won reelection with 80 percent of the vote. Opposition candidate Benewende Sankara, the closest runner-up, received 5 percent. Despite some irregularities, international observers considered the election to have been generally free but not entirely fair, due to the resource advantage held by the president.

Individuals and parties can freely declare their candidacies and stand for election in presidential elections; however, individuals must be members of a political party to run in legislative or municipal elections.

In April 2006 there were local elections in 351 communes; 10 communes held repeat elections in July 2006 due to irregularities. A total of 318 of the 351 new mayors were members of the ruling CDP party. Twenty-eight other mayors belonged to parties allied with President Compaore. Only five of the new mayors represented other opposition parties. Despite minor irregularities, international observers considered the

local elections to have been generally free but not entirely fair, due to the CDP's resource advantage.

On May 6, legislative elections were held; the ruling CDP won 73 seats in the 111-seat National Assembly, and the other parties won 38, although 25 of the 38 non-CDP deputies belonged to parties allied with the government. Election observers declared the elections to have been free and orderly, except in four cities where they noted irregularities and several fraud cases involving voters' identification cards. Opposition leaders denounced the elections.

CDP membership conferred advantages, particularly for businessmen and traders seeking ostensibly open government contracts.

There were 13 women in the National Assembly and five women in the 34-member cabinet. One of the three higher courts was led by a woman, the national ombudsman was a woman, 18 elected mayors were women, and an estimated 40 to 45 percent of new communal councilors were women.

The cabinet included 18 minority members; the National Assembly included 61 minority representatives.

Government Corruption and Transparency

The law provides criminal penalties for official corruption; however, the government did not implement the law effectively, and officials often engaged in corrupt activities with impunity. Corruption was serious and growing. It was especially acute in the police, gendarmerie, military, customs services, taxing agencies, health and justice ministries, municipalities, awarding government contracts, the education sector, and the media. The World Bank's Worldwide Governance Indicators reflected that there was a serious corruption problem in the country. The anticorruption NGO RENLAC also noted an increase in corruption.

In September the Court of Accounts, responsible for auditing the government's accounts, published an annual report for 2005 highlighting mismanagement in government agencies, including by the mayor of Ouagadougou.

Unlike this report, reports from the government's High Authority to Fight Against Corruption (HACLC) were not published, although their contents were sometimes "leaked." It was rumored that the

2006 HACLC report was critical of the extent of official corruption.

In December the government promulgated a new law that was expected to consolidate the HACLC, the State General Inspector, and the National Commission for the Fight Against Fraud into a new State Audit Authority with increased but still insufficient power.

Despite numerous instances in recent years of high-level corruption, no senior officials were prosecuted for corruption. Some public officials are subject to financial disclosure laws, but these laws were not effectively enforced.

There were no laws that provided for public access to government information. While government ministries released some nonsensitive documents, local journalists complained that ministries were generally unresponsive to requests for information from journalists and other citizens, ostensibly for reasons of national security and confidentiality. They also criticized government spokespersons for strictly limiting the scope of questions that could be raised during official press conferences. There is no procedure to appeal denials of requests for information.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were somewhat cooperative and responsive to their views.

During the year there were no reports that the government met with domestic NGO monitors, responded to any inquiries, or took action in response to any reports or recommendations. Despite human rights NGOs' criticism of the government's human rights policies, it was generally believed that they operated without government interference. A human rights organization, the Burkinabe Movement for Human Rights (MBDHP), was the most vocal and critical of the government. During the year the NGO "Mouvement Citoyen" criticized the government-controlled media for censoring its statements regarding government policies.

The government permitted international human rights groups to visit and operate in the country; however, there were no reported visits during the year by United Nations or other international organizations.

In March 2006 the United Nations Human Rights Council (UNHRC) notified the government that it had violated articles 7 and 9 of the International Covenant on Civil and Political Rights in connection with the 1987 assassination of former president Thomas Sankara. In its response the government concurred with UNHRC's observations and agreed to act on its recommendations. In April 2006 the government posted the UNHRC observations on its Web site and distributed copies to the media, rewrote Sankara's death certificate to show the actual cause of death, and undertook actions to pay Sankara's military pension to his family. It also agreed to pay his family more than \$90,000 (43 million CFA francs) from a family compensation fund established in 2001. However, no pension or compensation monies had been paid because Sankara's family demanded that the case be investigated and the perpetrators punished prior to accepting any financial compensation.

The ombudsman, who is appointed by the president for a nonrenewable five-year term and cannot be removed during the term, had limited resources. The public generally trusted the ombudsman's impartiality. No report of the ombudsman's work was published during the year.

The National Commission on Human Rights serves as a permanent framework for dialogue on human rights concerns and included representatives of human rights NGOs, unions, professional associations, and the government. The MBDHP did not participate on the commission and continued to charge that the commission was subject to government influence.

Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

The constitution and law prohibit discrimination based on race, gender, disability, language, or social status; however, the government did not effectively enforce these prohibitions. Discrimination against women and persons with disabilities remained problems.

Women

Rape is a crime; however, the law was not effectively enforced, and rape occurred frequently. There is no explicit discussion of spousal rape in the law, and there were no recent court cases. There were organizations that counseled rape victims, including Catholic and Protestant missions, the Association of Women Jurists in Burkina, the MBDHP, the Association of Women, and Promofemmes--a regional network that worked to combat violence against women.

Domestic violence against women, especially wife beating, occurred frequently, primarily in rural areas. No law specifically protects women from domestic violence, and cases of wife beating usually were handled out of court. There were no available statistics on how many persons were prosecuted, convicted, or punished for domestic violence during the year; however, it was believed such legal actions were infrequent because women were ashamed or otherwise reluctant to take their spouses to court. Cases that involved severe injury usually were handled through the legal system. The Ministry for Promotion of Women, the Ministry for Social Action and National Solidarity, and several NGOs cooperated in an effort to protect women's rights. In 2002 the Ministry for the Promotion of Women established a legal affairs section to inform women about their rights and encourage them to defend these rights.

Childless elderly women with no support, primarily in rural areas, and particularly if their husbands had died, were at times accused of witchcraft. They were banned from their villages since they often were accused of eating the soul of a relative or a child who had died. These women sought refuge at centers run by charitable organizations in larger cities.

The law does not specifically prohibit prostitution; however, pimping and soliciting are illegal.

The labor code explicitly prohibits sexual harassment in the workplace, but such harassment was common. The law prescribes fines of \$105 to \$1,260 (50,000 to 600,000 CFA francs) and prison terms varying from one month to five years. There were no available statistics on how many persons were prosecuted, convicted, or punished for sexual harassment in the workplace during the year.

The law prohibits forced marriage and prescribes penalties of six months to two years in prison. The prison term may be increased to three years if the victim is under 13 years of age; however, there were no reports of prosecutions of violators.

Polygyny was permitted, but both parties had to agree to it prior to a marriage. A wife could oppose further marriages by her husband if she provided evidence that he had abandoned her and her children. Either spouse could petition for divorce; the law provides that custody of a child be granted to either parent, based on the child's best interests.

Women continued to occupy a subordinate position and experienced discrimination in education, jobs, property ownership, access to credit, management or ownership of a business, and family rights. Although the law provides equal property rights for women and, depending on other family relationships, inheritance benefits, in practice traditional law denied women the right to own property, particularly real estate. In rural areas, land belonged to the family of a woman's husband. Many citizens, particularly in rural areas, clung to traditional beliefs that did not recognize inheritance rights for women and regarded a woman as property that can be inherited upon her husband's death.

Overall, women represented 45 percent of the workforce. Women comprised one-fourth of the government workforce, primarily concentrated in lower paying positions.

The government continued media campaigns to change attitudes that view women as inferior; however, changes have been only modest since the beginning of the campaign. One positive change has been that since 2007 women can serve in the military. The Ministry for Women's Promotion promoted women's rights, and the minister was a woman. During the year the government continued to establish income-generating activities for women, including market gardening and the production of fabric, shea butter, and soap.

Children

The constitution contains provisions that nominally protect children's rights.

The government failed to register all births, primarily in rural areas where administrative structures were insufficient and the population did not understand the value of birth certificates. Also, few rural persons could afford the certificates due to dire poverty. Although there were no statistics, failure to possess a birth certificate resulted in discrimination, including the denial of public services.

The law provides for free, compulsory, and universal primary education until the age of 16; however, the government lacked the means to provide it fully. If a child qualified on the basis of grades and if the family was very poor, tuition-free education could continue through junior high and high school. Children were still responsible for paying for school supplies, which often cost more than tuition. Many parents could not afford to lose a child's labor in the fields or at other jobs; as a result, overall school enrollment was approximately 66 percent (61 percent for girls). The highest grade level achieved by most children was sixth grade.

The government allotted approximately \$222 million (99.8 billion CFA francs) to education. The government promoted primary education for girls by encouraging donor scholarships, supporting school feeding programs, and conducting information campaigns to change societal attitudes toward educating girls. These efforts contributed to improving the school enrollment rate for girls.

Boys and girls had equal access to state-provided medical care. The government demonstrated its commitment to improving the condition of children by continuing efforts, in cooperation with donors, to revitalize primary health care by including care for nursing mothers and infants; vaccination campaigns against measles, meningitis, and other illnesses; and health education.

The law prohibits the abuse of children under 15 and provides for the punishment of abusers. The penal code mandates a one- to three-year prison sentence and fines ranging from \$650 to \$1,890 (300,000 to 900,000 CFA francs) for inhumane treatment or mistreatment of children; however, light corporal punishment was tolerated and widely practiced in society, although the government conducted seminars and education campaigns against child abuse.

Scarification of the faces of boys and girls of certain ethnic groups continued, but was gradually disappearing.

Female Genital Mutilation (FGM) was practiced widely, especially in rural areas, and usually was performed at an early age. According to a 2006 report by the National Committee for the Fight Against Excision, up to 81 percent of women aged 25 and older, and approximately 34 percent of girls and women under 25, had undergone FGM. Perpetrators were subject to a significant fine and imprisonment of six months to three years, or up to 10

years if the victim died. In September and October FGM practitioners were arrested in several villages.

For example, on September 18, gendarmes arrested and jailed four persons, including FGM practitioner Zoudou Sawadogo, for practicing excision on 50 girls age two to 17 years in Pabre, Oubritenga Province. One of the victims died. The responsible persons remained in jail awaiting trial at year's end.

On October 2, gendarmes arrested and jailed 31 persons, including FGM practitioner Awa Yaogo, for practicing excision on 27 girls age nine months to 19 years in Manga, Zoundweogo Province. The perpetrators remained in jail awaiting trial at year's end.

On October 31, gendarmes arrested and jailed three persons for practicing excision on 12 girls age three to 14 years in Sapone, Bazega Province. The responsible persons remained in jail awaiting trial at year's end.

Several NGOs believed that child marriage was a problem in the provinces of Senou, Soum, Fada, Pama, and Diapaga; however, there were no reliable statistics. The legal age for marriage is 17.

There were no statistics on child prostitution; however, it was a problem. Due to dire poverty, children from poor families relied on prostitution to meet their daily needs, including food and, at times, to help their needy parents at home. Trafficked children, primarily Nigerian nationals, were also subject to sexual abuse and forced prostitution.

Trafficking in Persons

The law prohibits trafficking in children; however, trafficking in children occurred. The law does not prohibit trafficking in adults, and trafficking in adults also occurred. The law also prohibits slavery, inhumane treatment, mistreatment of children and adults, kidnapping, and violence.

The country was a source, transit, and destination country for children and women trafficked for forced agricultural labor and commercial sexual exploitation, forced labor in gold mines and stone quarries, and forced domestic servitude. Internal trafficking of children was also a problem. Burkinabe children were trafficked primarily to Cote d'Ivoire, as well as to Mali, Benin, Nigeria, Togo, Ghana, and Niger. Children were also

trafficked from these West African countries to Burkina Faso. To a lesser extent, Burkinabe women were trafficked to Europe for sexual exploitation. Women were believed to have been trafficked to the country from Nigeria, Togo, Benin, and Niger for domestic servitude, forced labor in restaurants, and sexual exploitation. The country was a transit point for trafficked children, notably from Mali, who often were trafficked to Cote d'Ivoire.

The penalty for child trafficking is one to 10 years' imprisonment and fines of \$650 to \$3,150 (299,250 to 1.5 million CFA francs).

According to the 2007-08 report by the Office for the Protection of Infants and Adolescents, security forces intercepted 312 trafficked children, more than half of whom were boys; 34 of them were destined for international trafficking. A total of 23 child traffickers, including nine Nigerian nationals, were arrested. By year's end five of the traffickers had been sentenced to prison for two to 12 months; six received suspended prison terms of six to 24 months; four Nigerian nationals were in detention awaiting trial; and eight were cleared of all charges.

The Ministry of Social Action and National Solidarity and the Ministry of Labor and Social Security were responsible for enforcing trafficking and child labor laws and regulations; however, the government had limited resources to combat trafficking. In April the Council of Ministers adopted a national plan of action to combat trafficking. It included elements such as prevention, protection, feeding and care of victims, rehabilitation, social and economic reintegration of victims, prosecution, strengthening of the institutional and legal framework, advocacy, follow-up, and evaluation.

The government cooperated with Cote d'Ivoire, other governments, and international organizations throughout the year in implementing workshops and overall cooperation on child trafficking.

Child traffickers typically acted as intermediaries for poor families, promising to place a child in a decent work situation. Once the child was in the hands of traffickers, these promises were usually disregarded. Some traffickers were distant relatives, often referred to as "aunts." Traffickers occasionally kidnapped children. Once placed in a work situation, whether in the country or beyond its borders,

children were usually not free to leave and were forced to work without pay and under very bad conditions.

Trafficked children were subject to violence, sexual abuse, forced prostitution, and deprivation of food, shelter, schooling, and medical care. Organized child trafficking networks existed throughout the country; authorities did not dismantle any during the reporting period. Child trafficking networks cooperated with regional smuggling rings.

The majority of international trafficking was believed to be conducted using forged travel documents. Travel occurred both at official ports-of-entry and at nonrecognized, unmonitored border-crossing points.

The government worked with international donors and the International Labor Organization (ILO) to address child trafficking, in part by organizing seminars on child trafficking for customs officers. During the year security services and civil society groups organized similar workshops and seminars. The government also organized several training sessions for watch committee members. Over several years, the government has established 128 watch committees in 12 of the 13 regions in which child trafficking and child labor were problems. The watch committees included representatives of industries usually implicated in child labor (cotton growers, for example), the police, gendarmerie, magistrates, NGOs, and social welfare agencies. The government also worked with international and domestic NGOs in the fight against trafficking.

There were no reports that during the year the government assisted with international investigations or extradited citizens who were accused of trafficking in other countries.

The government, in collaboration with the United Nations Children's Fund, continued to operate transit centers for destitute children, including trafficked children, where food and basic medical care were provided. It also helped children return to their families. Most reintegration programs for trafficked children were operated by NGOs.

Persons with Disabilities

The law prohibits discrimination against persons with physical or mental disabilities in employment, education, access to health care, the provision of other state services, or other areas; however, the government did not effectively enforce these

provisions. There was no government mandate or legislation concerning accessibility for persons with disabilities. Advocates reported that persons with disabilities often faced social and economic discrimination. Such persons who were able to work frequently found it difficult to find employment, including in government service, because of deeply entrenched societal attitudes that persons with disabilities should be under the care of their families and not in the workforce.

Programs to aid persons with disabilities were limited. In 2005 the government established a national committee for the reintegration of persons with disabilities. During the year the committee implemented reintegration programs and capacity building programs to better manage income generating activities, and conducted sensitizing campaigns.

National/Ethnic/Racial Minorities

Incidents of discrimination against the country's various ethnic groups occurred, but did not appear to be widespread.

Other Societal Abuses and Discrimination

Societal discrimination against homosexuals and persons with HIV/AIDS were problems. Persons who tested positive for HIV/AIDS were sometimes shunned by their families, and HIV/AIDS-positive wives were sometimes evicted from their homes. In addition there were reports that some house owners refused to rent lodgings to persons with HIV/AIDS. However, persons with HIV/AIDS were generally not discriminated against in employment practices or the workplace.

Homosexuals were discriminated against and were at times victims of verbal and physical abuse. Both religious and traditional beliefs were intolerant of homosexuality. There were no reports that the government responded to societal violence and discrimination against homosexuals.

Section 6 Worker Rights

a. The Right of Association

The law provides workers, including civil servants, the right of association, and workers exercised this right. However, "essential" workers such as police, army, and other security personnel could not join unions. Approximately 85 percent of the workforce was engaged in subsistence agriculture and did not

belong to unions. Of the remainder, an estimated 50 percent of private sector employees and 60 percent of public sector workers were union members.

In practice trade unionists were sometimes subjected to intimidation. On May 23, the cabinet imposed sanctions on workers of the Ministry of Foreign Affairs for participating in an April 10 demonstration to demand higher pay, better living and working conditions, and unbiased appointments or assignments. The cabinet reprimanded but retained 35 demonstrators in their positions while reassigning 105 others to other government agencies.

b. The Right to Organize and Bargain Collectively

The law allows unions to conduct their activities without interference, and the government respected this right. Unions have the right to bargain directly with employers and industry associations for wages and other benefits. There was extensive collective bargaining in the modern wage sector; however, this sector included only a small percentage of workers. The law provides for the right to strike; however, the law provides a very narrow definition of this right. Magistrates do not have the right to strike.

Trade union federations and unions called multiple strikes during the year; unions and government officials met to discuss union grievances. There were no export processing zones.

c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor, including by children; however, children were trafficked and used for informal labor outside their own families for little or no pay.

d. Prohibition of Child Labor and Minimum Age for Employment

The law sets the minimum age for employment at 15 years and prohibits children under 18 years from working at night except in times of emergency; however, child labor was a problem. The minimum age for employment was inconsistent with the age for completing educational requirements, which generally was 16 years. In the domestic and agricultural sectors, the law permits children under the age of 15 to perform limited activities for up to four and one-half hours per day; however, many children under the age of 15 worked longer hours. An estimated 51 percent

of children worked, largely as domestic servants or in the agricultural or mining sectors where working conditions were harsh. Children commonly worked with their parents in rural areas or in family-owned small businesses in villages and cities. There were no reports of children under the age of 15 employed in either state-owned or large private companies.

The Ministry of Labor and Social Security, which oversees labor standards, lacked the means to adequately enforce worker safety and minimum age legislation, even in the small business sector.

Punishment for violating child labor laws included prison terms of up to five years and fines of up to \$1,260 (600,000 CFA francs).

The government organized workshops during the year, and in cooperation with donors, undertook sensitization programs to inform children and parents of the dangers of sending children away from home to work.

e. Acceptable Conditions of Work

The law mandates a minimum monthly wage of \$63 (30,000 CFA francs) in the formal sector; the minimum wage does not apply to subsistence agriculture or other informal occupations. The minimum wage did not provide a decent standard of living for a worker and family. Employers often paid less than the minimum wage. Wage earners usually supplemented their income through reliance on the extended family, subsistence agriculture, or trading in the informal sector. The Ministry of Labor and Social Security was responsible for enforcing the minimum wage.

The law mandates a standard workweek of 40 hours for nondomestic workers, a 60-hour workweek for household workers, and provides for overtime pay. There are also regulations pertaining to rest periods, limits on hours worked, and prohibition of excessive compulsory overtime, but these standards were not effectively enforced.

Government inspectors under the Ministry of Labor and Social Security and the labor tribunals were responsible for overseeing occupational health and safety standards in the small industrial and commercial sectors, but these standards did not apply in subsistence agriculture and other informal sectors. The government's Labor Inspector Corps did not have sufficient resources to adequately fulfill its duties. Every company with 10 or more employees was required to have a work safety

committee. If the government's Labor Inspection Office declared a workplace unsafe for any reason, workers had the right to remove themselves without jeopardy to continued employment. There were indications that this right was respected, although such declarations by the Labor Inspection Office were rare.